

JEFFERSON COUNTY COMMISSIONERS
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TOM LYTHGOE, CHAIR

CHUCK NOTBOHM

KEN WEBER

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
October 4, 2005**

Present: Commissioners Lythgoe, Notbohm and Weber; Harold Stepper, County Planner; Garry Pace, Superintendent of Schools; Matt Johnson, County Attorney; Pius and Kathleen Gleich, Terry Murphy, Greg Murray, Mike Lapp, Gibson Hartwell - Ecosystem Research Group, Steve Flynn, Sun Mountain Lumber, Jan Anderson - *Boulder Monitor/Jefferson County Courier*

MINUTES

Commissioner Lythgoe moved to approve the minutes of August 23. Commissioner Weber seconded. The motion carried.

Commissioner Lythgoe moved to approve the minutes of August 30. Commissioner Notbohm seconded. The motion carried.

Commissioner Lythgoe moved to approve the minutes of September 6. Commissioner Weber seconded. The motion carried.

Commissioner Lythgoe moved to approve the minutes of September 13. Commissioner Weber seconded. The motion carried.

REPORTS

Receipt of final budget document for FY 05-06 from Clerk and Recorder.

CALENDAR REVIEW

10/04 E-9-1-1 meeting - 7:00
10/05 Walk to School Day - Montana City - 7:30
10/06 Whitehall Chamber - noon
MTAG public meeting run-through
10/10 Holiday - County Offices closed

COMMISSION REPORTS

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MACo CONFERENCE

Commissioner Lythgoe reported that he and Commissioner Notbohm attended the MACo conference in Billings the previous week. He stated that he has been to a lot of MACo conferences, and this has to be the poorest that he has attended. Commissioner Notbohm noted that they basically started on Sunday, and that is never good. Commissioner Lythgoe stated that there is a new MACo president, Doug Kaercher from Hill County. One major decision that was made was to bring all the insurance pieces, worker's comp, liability, etc., in-house. They will be building a new facility to house the insurance entities and also have office rentals within the building. This will be a 1.2 million dollar project.

Commissioner Notbohm stated that he spoke with Gary Hasbutal regarding health insurance at one of the booths while he was there. Supposedly, we are the last county still with Teamsters. He will get more information on this for presentation. He is leery of changing insurance carriers, but they need to at least look into it. He stated that he spoke to Carla about this, and she was surprised to hear that we are the only county left with Teamsters. Commissioner Lythgoe noted that she has been resistant to changing carriers. Commissioner Notbohm stated that one person is currently able to get a significant amount of prescription drugs at no cost. Also, there are a number of people that they are concerned may not be picked up by a new company.

ELECTED OFFICIAL/DEPARTMENT HEAD CONCERNS

Bonnie presented the official financial report to the Commission. She also presented the MCA regarding publication of the notice of the report.

CORRESPONDENCE

A salary agreement with MSU for the Extension employees was presented for signature. Commissioner Lythgoe stated that the amounts have already been approved in the budget.

A letter regarding the South Helena Interchange was read. There are a couple small pieces of land along the Pronghorn Subdivision that need to be appraised, and hopefully the developer will donate.

SUBDIVISION REVIEW

PRELIMINARY PLAT APPROVAL - MILLIGAN CANYON ESTATES

Harold Stepper, County Planner, presented his staff report. He stated that the findings of fact are standard. The overall density will be 1 unit per 5.334 acres. The conditions are approval are fairly standard, with the exception of #14, which stipulates extra fire measures due to the inaccessibility of the area.

Commissioner Notbohm asked how far it is from the interstate to the end of the project. It was stated that it is slightly over a mile. Commissioner Notbohm stated that one of his concerns is that the road at present doesn't meet County standards. He feels that the road needs to be brought up to standards, but the question is, who will pay for it. Right now the road is bad, but

the increased traffic will make it much worse. Another concern would be that the density of the subdivision doesn't fit the area very well. There is not really anything that they can do about it, but, they do need to do something about the road. He feels that there needs to be a written agreement that the road will be brought up to county standards, with gravel, etc. His feeling is that the developer is responsible to bring the road up to standards, for safety reasons.

Commissioner Weber asked Harold to discuss this; it is essentially an impact fee, which is not allowed per statute. Harold stated that at the present time, the Planning Board is in the process of doing an impact fee study, but the county cannot assess them at this time. He stated that a developer in the north end of the county agreed to upgrade a half-mile of the county road leading to his development. Commissioner Lythgoe asked if a developer in the north end is doing this, why can't this developer. Harold stated that the developer in the north agreed on his own, understanding that it would raise the value of his lots.

Commissioner Notbohm stated that the County can't allow this to become a situation where they allow subdivisions to come in and the County builds roads for them. They need to require an adequate road surface, and it is his suggestion that the County require it. Commissioner Lythgoe stated that, according to Harold, they can't require it. But, if the developer decides to do something on his own, they would accept it. Commissioner Notbohm stated that has to respectfully disagree. They can't call it an impact fee, but if they don't do this, is the County willing to send our crew out to fix it. Commissioner Weber stated that the unfortunate thing is that these waters have been tested; Gallatin County tried and lost. He stated that the County's hands are somewhat tied. Commissioner Weber stated that it makes sense that the developer do this; statute states that no taxpayer is to pay for development. Harold has researched this pretty heavily, and unless the developer decides on his own to do this, the County can't force him to.

Commissioner Notbohm asked the developer how he feels about this. Greg Murray stated that he is a one-third owner, and he doesn't know how his partners would feel, or what the projected costs would be. They will probably be putting some gravel down, but he can't voluntarily commit to a project when he has no idea of the costs. He noted that they have tried to make this a good project and work with the concerns presented.

Commissioner Notbohm stated that this is basically an unfunded mandate. He moved to deny preliminary plat approval. The motion died for lack of a second.

Terry Murphy stated that he has lived on Cottonwood Road all of his life. The County faces an enormous liability; this subdivision will increase traffic of the road four-and-a-half times what it is now. He stated that he knows personally of two instances where Jefferson County denied a subdivision based on health, safety and welfare issues and liability to the County. He urged the Commission to deny this subdivision. He stated that if the Commission does decide to approve the subdivision, for them to comply with the Right to Farm and Ranch law, all four entrances need to have cattle guards.

Mike Lapp, the engineer, stated that in defense of the applicant, this is the first time that this issue has come up and he has had no time to review it. The subdivision is close to the interstate, and he feels it is appropriate to the area. He stated that Cottonwood Road is serviceable and

adequate. Commissioner Notbohm stated that the current residents are used to the condition of the road as it is, and realize that they live in the country. When the subdivision comes in, there is the potential for out-of-town, out-of-state people to come in, and then the County's phones light up. Commissioner Weber stated that while he acknowledges and agrees with everything Commissioner Notbohm has said, because of state law, he is going to have to move to grant preliminary plat approval. Commissioner Lythgoe seconded the motion. Discussion followed regarding if anyone was favorable to tabling this until the developer has a chance to discuss this with his partners. Commissioner Lythgoe asked Harold if the time frame allow for this to be tabled. Harold stated that 60 working days will be up in a week. Commissioner Lythgoe asked Commissioners Weber if he would be willing to amend his motion and table this item. Commissioner Weber stated that he had no problem with that, and rescinded his previous motion.

Commissioner Weber moved to table this item until the next meeting, to give the developer time to discuss voluntarily upgrading the road with his partners. Commissioner Lythgoe seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

RESOLUTION 29-2005

Commissioner Lythgoe read the resolution as follows:

RESOLUTION 29-2005

FIX TAX LEVIES FOR JEFFERSON COUNTY FISCAL YEAR 2005-2006

WHEREAS, the Board of County Commissioners of Jefferson County, Montana, has compiled and reviewed the proposed budgets for fiscal year 2005-2006 as required by law; and,

WHEREAS, the value of a mill has been determined as \$19,233 county-wide and a value of \$17,433 outside the city limits, with other values as stated and certified by the Department of Revenue of the State of Montana,

NOW, THEREFORE, BE IT RESOLVED that the final budgets for fiscal year 2005-2006, which budget document is on file in the Clerk and Recorder's office, is approved and adopted and is, by this reference, incorporated herein; and

BE IT FURTHER RESOLVED that the Board does hereby fix the following levies to fund:

SCHOOL LEVIES

CLANCY #1

147.73

#1-A	121.97
WHITEHALL #4	100.06
BASIN #5	44.76
BOULDER #7	176.76
CARDWELL #16	44.36
WILLOW CREEK #1	109.32
THREE FORKS #26	90.56
MONTANA CITY #27	183.12
MONTANA CITY #27-B	208.88
JEFFERSON HIGH SCHOOL #1	49.41
WHITEHALL HIGH SCHOOL #2	66.07

COUNTY LEVIES

COUNTY GENERAL HIGH SCHOOL	22.00
COUNTY GENERAL ELEMENTARY	33.00
TRANSPORTATION	6.90
ELEMENTARY RETIREMENT	28.31
HIGH SCHOOL RETIREMENT	15.39

CITY LEVIES

TOWN OF WHITEHALL	91.47
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SPECIAL ASSESSMENT DISTRICTS

WILLOW CREEK FIRE	30.37
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WHEREAS, §7-6-4031, MCA makes provision for the authorization of a designated official to transfer appropriations between items within the same fund; and

WHEREAS, §7-6-4006 (3), MCA makes provision for appropriation adjustments,

NOW, THEREFORE, BE IT RESOLVED that the Clerk and Recorder be designated to make budget transfers and adjustments with the approval of the governing body, and shall submit at minimum quarterly recommended budget transfers and adjustments.

DATED this 4th day of October, effective for Fiscal Year 2005-2006.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER

Commissioner Weber moved to fix the levies as stated in the resolution. Commissioner Notbohm seconded. The motion carried.

SALE OF PARCEL OF TAX DEED PROPERTY VALUED UNDER \$2000

Matt Johnson, County Attorney, stated that this is a .17 acre parcel of land that Jefferson County acquired through tax deed. The piece of land is of no use to anyone, but there is an adjacent landowner who is interested in purchasing the property. The parcel was originally assessed at \$33,000, and had been recorded as an acre. He asked the assessor to look into this, and it has been reassessed at \$1500. Because of this, no appraisal is needed. He would ask that the Commission not go through the appraisal process, but to sell the property based on the DOR assessment. The county can sell it at 70% of the appraised value. He would also suggest that if the Commission decide to go through with the sale, any taxes due be waived. Commissioner Notbohm asked if anyone has been paying taxes on the property. Matt stated not currently, it is in Jefferson County's hands now, but there were taxes due in the past. He presented Resolution 30-2005, which Commissioner Lythgoe read as follows:

RESOLUTION 30-2005
PRIVATE SALE OF TAX DEED PROPERTY VALUED AT LESS THAN \$2,500.00

WHEREAS, Jefferson County has acquired a segment of real property described as:

**Government Lot 11 of Section 9, Township 9 North, Range 3 West, P.M.
Montana, Jefferson County. This tract contains 0.203 acres subject to and
together with all appurtenant easements of record.**

from a tax deed. Two public auctions were held for the sale of the .203 acre above described real property by Jefferson County per MCA §7-8-2301; and

WHEREAS, a review of the valuation of the above described property indicates that the property is valued at \$1,551.00 per the Montana Department of Revenue as the property is land-locked and provides no ability to build a home upon; and

WHEREAS, MCA §7-8-2214 provides that since the above described property is valued at less than \$2,500.00, an appraisal of the property is not necessary prior to sale; and

WHEREAS, §7-8-2217 and §7-8-2218 the above described property can be sold at a private sale and the sale price must be of an amount not less than 70% (\$1085.70) of the appraised value of the property.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to §7-8-2218, MCA, the Jefferson County Commission hereby agrees to sell the above described property to Pius and Kathy Gleich for 70% of the appraised value of the said real property, \$1,085.70. Upon receipt of a cashiers check in the amount of \$1,085.70, the County Commissioners shall sign a deed transferring ownership of the above described property to Pius and Kathy Gleich.

DATED this 4th day of October, 2005.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER

Commissioner Notbohm moved to adopt Resolution 30-2005 and waive any claim to past taxes. Commissioner Weber seconded. The motion carried. Matt stated that he also has a grant deed that requires the Commissioner's signatures.

DISCUSS AND DECIDE ON PURCHASE OF MCA FOR COMMISSION OFFICE

Commissioner Weber stated that the Commission uses the MCA often. The set in the Commission office is out of date, so he proposed that the Commission discuss the purchase of a new set. Commissioner Notbohm asked if he is proposing the purchase of a full set. Commissioner Weber stated that he is. Since he has been in office, he has referenced most of the books in the set. Commissioner Lythgoe noted that the full set is several years out of date, as the last time the MCA was published the Commission only purchased the volume containing Title 7. Commissioner Weber moved to purchase a current set of MCA for the Commission office. Commissioner Notbohm seconded. The motion carried.

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ECOSYSTEM RESEARCH GROUP RE: BEAVERHEAD/DEERLODGE DRAFT FOREST PLAN

Steve Flynn with Sun Mountain Lumber stated that they have worked with the Beaverhead/Deerlodge National Forest for some time, and they are working to develop credible comments to draft the forest plan. He stated that he is aware that counties have been asked by the governor to comment on roadless areas. They are talking to counties in the Beaverhead/Deerlodge area to help them formulate their comments. They will also be using the county fire plan and timber conditions. Commissioner Weber asked if they have any connection with the Forest Service in dealing with these issues. Steve answered that they do; they are developing data and the Forest Service is pretty excited on how it is coming together, the science behind it. Gibson Hartwell, with Ecosystem Research Group, stated that regarding the Forest Service, they are trying to pick up where the Forest Service left off. His company can take their data and expand it and get more out of it, because they have a lot more experience.

They presented a map with the roadless areas marked, and also a clear overlay with the county fire plan. Steve stated that they have roadless areas that are in dire need of some kind of treatment. Commissioner Notbohm stated that this needs to be part of the Commission's consideration. This allows them to see where fire danger is the greatest.

Gibson stated that they are preparing comments for November 1, coming at it from a timber perspective. The Forest Service is dropping the current 676,000 acres of usable timber down to 212,000 forest-wide. One thing his group is looking at is leaving the usable timber areas more accessible for management. He showed slides of the forest lands, then subsequent slides removed acreage for unsuitable area, slopes, and special areas and left 63,109 acres of usable land in the Beaverhead-Deerlodge Forest. He also showed charts indicating fire danger, which were compiled using Forest Service data. He stated that the Forest Service has been very accepting of this. Commissioner Weber asked if they are also calculating the costs of fighting fires in these areas. Gibson stated that they are. He also showed charts graphing the increase in insect infestation. There has been a dramatic increase of infestation and tree kills. These bug-kill trees also cause really erratic fire behavior.

Commissioner Lythgoe stated that this was all really good information. Commissioner Weber asked if they would be willing to take part in some public meetings, if they decide to hold them. Steve stated that he would be willing to help, although he is not sure how much time they will have. Commissioner Notbohm stated that the governor also asked them to designate where new roads might be needed. Steve stated that this would be difficult. Commissioner Notbohm agreed. Commissioner Lythgoe stated that it will be very difficult within the given time frame. Steve stated that with bug infestation, usable timber and fire danger, the Commission will have a good argument for removing some areas from the roadless areas.

Commissioner Lythgoe asked how quickly they would have information on the Helena National Forest. Steve stated that it would probably be November. Commissioner Lythgoe stated that he appreciated them coming to talk to them today, and the Commission will probably be in touch with them soon.

JOE SCHMAUS - REQUEST TO IMPROVE HOLMES GULCH AND INSTALLATION OF

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UTILITIES ALONG EASEMENT

Commissioner Lythgoe stated that Joe is not in attendance. He stated that the only way to deal with this is to send a letter stating that he needs to submit a permit with plans, and develop the road to County standards with culverts, etc.

APPOINT BOARD MEMBERS

Commissioners Weber stated that he received two applications to fill a vacancy on the Library Board. He interviewed both, and both were very well qualified. He moved to appoint Jennifer Wise to the Library Board. Commissioner Lythgoe seconded. The motion carried.

Commissioner Lythgoe moved to appoint Sherrel Rhys to the Health Board, to fill a vacancy left by the resignation of Jeanine Ford. Commissioner Weber seconded. The motion carried, with Commissioners Lythgoe and Weber voting aye and Commissioner Notbohm voting nay.

DISCUSS PROCEDURES FOR DEALING WITH CITIZEN REQUESTS / DISCUSS PROCEDURE FOR DEALING WITH CORRESPONDENCE

Commissioner Lythgoe stated that this came to mind because it seems like he will get a call and he'll start working on it, and the next thing he knows Commissioner Weber or Commissioner Notbohm are also working on it. They need to find a way to deal with this. Commissioner Notbohm stated that he doesn't see this as a problem for the most part, as it usually comes out in the conversation with the citizen if they have already talked to another Commissioner. Commissioner Lythgoe agreed that they need to let each other know what is going on. Commissioner Notbohm noted that sometimes there are people that call all three Commissioners to work them.

Commissioner Lythgoe stated that he needs suggestions, and it was suggested that transmittal-type slips might work. Commissioner Lythgoe stated that this would also relieve some pressure on Ben, Megan or whoever, as just one Commissioner would be calling them about a topic, rather than two or three. Commissioner Weber stated that there is only two ways he can see to do this; either have a board with on-going projects or a transmittal slip type of thing. Commissioner Lythgoe stated that he thinks, even though they are elected for the whole county, if a call comes from his area, he needs to be the one to deal with it. It was decided that the slips would be the easiest way to go and pass them to the district Commissioner, unless it is an emergency.

As for correspondence, Commissioner Lythgoe stated that he noticed while going through the minutes that there were several action items that need to be taken care of. He said that if action is needed, the assistant needs to make sure that a reminder gets to the Commissioner who needs to take care of it. Also, the last Commissioner that signs off on a mail pouch needs to decide if there is anything in the pouch that needs action. Commissioner Notbohm suggested that a special area or a special pouch be designated for special action. Commissioner Lythgoe stated that this is a good idea. He stated that they also need to make sure that the proper person is responding, and that one is not responding when someone else already has.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER